## IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

IN RE:

ACandS, Inc.

Armstrong World Industries, Inc.

Combustion Engineering, Inc.

The Flintkote Company

Kaiser Aluminum Corp.

Owens Corning

**US Mineral Products Company** 

USG Corp.

W.R. Grace & Co.

Debtors.

Case No.: 02-12687

Re: Dkt. No. 3639, 3660

Case No.: 00-4471

Re: Dkt. No. 10698, 10721

Case No.: 03-10495

Re: Dkt. No. 3380, 3400

Case No.: 04-11300

Re: Dkt. No. 5606, 5693

Case No.: 02-10429

Re: Dkt. No. 10009, 10044

Case No.: 00-3837

Re: Dkt. No. 20954, 20981

Case No.: 01-2471

Re: Dkt. No. 3878, 3897

Case No.: 01-2094

Re: Dkt. No. 12596, 12617

Case No.: 01-1139

Re: Dkt. No. 26053, 26357

# IN THE UNITED STATES BANKRUPTCY COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Mid-Valley, Inc.

North American Refractories Co.

Pittsburgh Corning Corp.

Debtors.

Case No.: 03-35592

Re: Dkt. No. 2770, 2792

Case No.: 02-20198

Re: Dkt. No. 6944, 6998

Case No.: 00-22876

Re: Dkt. No. 8096, 8162

Hearing Date: March 28, 2011 at 9:00 a.m. (ET)<sup>1</sup>

NOTICE OF (I) AMENDED MOTION OF GARLOCK SEALING TECHNOLOGIES LLC FOR ORDERS AUTHORIZING ACCESS TO 2019 STATEMENTS FILED IN THIS COURT AND FOR RELATED RELIEF AND (II) RELATED MOTIONS TO INTERVENE IN AND REOPEN CERTAIN BANKRUPTCY CASES

<sup>&</sup>lt;sup>1</sup> The hearing will take place at the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, Wilmington, Delaware 19801. Please see instructions in this Notice for participating in the hearing telephonically.

#### PLEASE TAKE NOTICE OF THE FOLLOWING:

#### **The Original and Amended Motions for Access**

On January 10, 2011, Garlock Sealing Technologies, LLC, ("<u>Garlock</u>") filed the **Motion of Garlock Sealing Technologies LLC for Orders Authorizing Access to 2019 Statements Filed in this Court and for Related Relief** (the "<u>Original Motion for Access</u>") in the United States Bankruptcy Court for the District of Delaware ("<u>Delaware Bankruptcy Court</u>") and the United States Bankruptcy Court for the Western District of Pennsylvania ("<u>W.D. Pa. Bankruptcy Court</u>," and with the Delaware Bankruptcy Court, the "<u>Bankruptcy Courts</u>"), in each of the above-captioned cases (the "<u>Bankruptcy Cases</u>").

By the Original Motion for Access, Garlock, a debtor in possession in bankruptcy cases pending before the U.S. Bankruptcy Court for the Western District of North Carolina, Charlotte Division, Case No. 10-31607, requested that it be granted access to exhibits (the "2019 Exhibits") to the verified statements filed pursuant to Rule 2019 of the Federal Rules of Bankruptcy Procedure by certain law firms representing asbestos personal injury claimants. The 2019 Exhibits are presently in the possession, custody or control of the Clerks of the respective Bankruptcy Courts. The information contained in the 2019 Exhibits is relevant in Garlock's bankruptcy case, including with respect to Garlock's formulation of a plan of reorganization. The information Garlock seeks from the 2019 Exhibits includes the following for each creditor or equity security holder represented by the entity filing the related Rule 2019 statement: name; personal address; exemplar or an actual copy of each form of agreement or instrument, if any, whereby such entity is empowered to act on behalf of creditors or equity security holders in the Bankruptcy Case; the amount of the claim of any creditor if liquidated; the date of acquisition of the creditor's claim; the type of disease giving rise to the claim; and the pertinent facts and circumstances in connection with the employment of the entity.<sup>2</sup>

On February 14, 2011, the Bankruptcy Court held a hearing on the Original Motion for Access. The Court continued the hearing on the Original Motion for Access to **March 28, 2011 at 9:00 a.m. (ET)**, to be held at the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, Wilmington, Delaware 19801.

As discussed below, out of an abundance of caution, Garlock has re-filed the Original Motion for Access in the Bankruptcy Cases (as re-filed, the "Amended Motion for Access"). The Amended Motion for Access is **substantively identical** to the Original Motion for Access. Accordingly, Garlock has not re-served the Amended Motion for Access. Please see below for instructions on how to obtain copies of the Amended Motion for Access.

Bankruptcy Cases that are closed.

In addition, to the extent necessary for the Bankruptcy Court to provide Garlock the relief it seeks with respect to the 2019 Exhibits, Garlock also sought, in the Original 2019 Motion for Access, authority to intervene in each of the Bankruptcy Cases and an order reopening any of the

#### **Garlock's Motions to Intervene and Reopen Certain Cases**

At the hearing held on February 14, 2011, the Court instructed Garlock to file separate motions seeking to intervene in each of the Bankruptcy Cases, and to file separate motions seeking to reopen the Bankruptcy Cases that are closed. Accordingly, on February 18, 2011, Garlock filed the (i) Motion of Garlock Sealing Technologies LLC to Intervene For Limited Purpose Of Seeking Access To Judicial Records (the "Motion to Intervene") and (ii) Motion of Garlock Sealing Technologies LLC for Entry of an Order, Pursuant to 11 U.S.C. § 350(b), Fed. R. Bankr. P. 3020(d), 3022 and 5010, Reopening Chapter 11 Bankruptcy Cases for the Limited Purpose of Seeking Access to 2019 Statements (the "Motion to Reopen"). The Motion to Intervene was filed in all of the Bankruptcy Cases, and the Motion to Reopen was filed in the Bankruptcy Cases that are currently closed (the "Closed Cases"). The Closed Cases are as follows:

ACandS, Inc.	Case No. 02-12687 (JKF)
Armstrong World Industries, Inc.	Case No. 00-04471 (JKF)
Combustion Engineering, Inc.	Case No. 03-10495 (JKF)
Owens Corning	Case No. 00-03837 (JKF)
US Mineral Products Company	Case No. 01-02471 (JKF)
USG Corp.	Case No. 01-02094 (JKF)
Mid-Valley, Inc.	Case No. 03-35592 (JKF)

As set forth in the motions, Garlock seeks to intervene in the Bankruptcy Cases and reopen the Closed Cases for the limited purpose of pursuing access to the 2019 Exhibits.

#### How to Obtain a Copy of the Amended Motion for Access

You may download a copy of the Amended Motion for Access (as well as the Original Motion for Access, Motion to Intervene and the Motion to Reopen) free of charge at:

#### http://motion.rbh.com

Copies of the Amended Motion for Access may also be obtained on the electronic dockets of any of the Bankruptcy Cases at the following docket numbers:<sup>3</sup>

<u>Court</u>	<u>Case Name</u>	<u>Case Number</u>	<u>Docket Number</u>
Delaware Bankruptcy Court	ACandS, Inc.	02-12687	3660
	Armstrong World Industries, Inc.	00-4471	10721
	Combustion Engineering, Inc.	03-10495	3400
	The Flintkote Company	04-11300	5693

Please note that the same Amended Motion for Access was filed in each of the Bankruptcy Cases; therefore, you need not obtain a copy from each of the Bankruptcy Cases.

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	Kaiser Aluminum Corp.	02-10429	10044
	Owens Corning	00-3837	20981
	US Mineral Products Company	01-2471	3897
	USG Corp.	01-2094	12617
	W.R. Grace & Co.	01-1139	26357
	Mid-Valley, Inc.	03-35592	2792
W.D. Pa. Bankruptcy Court	North American Refractories Co.	02-20198	6998
	Pittsburgh Corning Corp.	00-22876	8162

Instructions for accessing the Bankruptcy Courts' electronic dockets through PACER may be found at: (i) for the Delaware Bankruptcy Court, <a href="www.deb.uscourts.gov">www.deb.uscourts.gov</a>; and (ii) for the W.D. Pa. Bankruptcy Court, <a href="www.pawb.uscourts.gov">www.pawb.uscourts.gov</a>. Prior registration with the PACER Service Center and payment of a fee may be required to access such documents. Parties in interest may sign up for a PACER account by visiting the PACER website at <a href="http://pacer.psc.uscourts.gov">http://pacer.psc.uscourts.gov</a> or by calling (800) 676-6856. You may also inspect copies of any of the motions at the Office of the Clerk of the applicable Bankruptcy Court during normal business hours: (i) at the Delaware Bankruptcy Court, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801, (302) 252-2900; or (ii) at the W.D. Pa. Bankruptcy Court, 5414 U.S. Steel Tower, 600 Grant Street Pittsburgh, Pennsylvania 15219, (412) 644-2700.

Finally, you may also obtain a copy of the Amended Motion for Access by written request to Richard C. Worf, 101 N. Tryon St., Suite 1900, Charlotte, NC, 28246 (rworf@rbh.com).

### **Hearing**

A hearing (the "<u>Hearing</u>") on the Original and Amended Motions for Access, the Motion to Intervene and the Motion to Reopen will be held on <u>March 28, 2011 at 9:00 a.m. (ET)</u>, before the Honorable Judith K. Fitzgerald, at the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, Wilmington, Delaware 19801. Pittsburgh, PA-based counsel are not required to attend the hearing in person, and may participate telephonically as described below.

#### **Telephonic Participation in Hearing**

If you wish to participate in the Hearing telephonically, you must make arrangements to do so through CourtCall by telephone (866-582-6878) or facsimile (866-533-2946) no later than **March 24, 2011 at 12:00 p.m. (ET).** Any party that fails to make arrangements through CourtCall by 12:00 p.m. (ET) on March 24, 2011, may be prohibited from participating in the Hearing telephonically.

IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE BANKRUPTCY COURTS MAY GRANT THE RELIEF REQUESTED BY THE MOTION FOR ACCESS WITHOUT FURTHER NOTICE OR HEARING.

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Dated: February 18, 2011